IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

Bail Appl..No. 7075 of 2007()

CRIME NO.653/07 OF VADAKKEKARA POLICE STATION

PETITIONERS

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1. SHAMLAL,S/O.SHANMUGHAN, AGED 22 YEARS
   ODIKKAPRAMABIL HOUSE, KUNJITHAI, VADAKKEKARA,
   N.PARUR.

2. SHAN,S/O.S/O.SHANMUGHAN
   AGED 2O YEARS ODIKKAPRAMABIL HOUSE, KUNJITHAI,
   VADAKKEKARA, N.PARUR.

3. VIJITH KUMAR @ VIJITH,AGED 22 YEARS
   ODIKKAPRAMABIL HOUSE,KUNJITHAI,
   VADAKKEKARA, N.PARUR.

BY ADV. SRI.K.A.SREEJITH

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICE
VADAKKEKARA POLICE STATION THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7075 OF 2007

Dated this the 23rd day of November, 2007

ORDER

Application for regular bail. The petitioners are accused 1, 2 and 4 in a crime registered alleging the offences punishable, inter alia, under Secs.307 and 324 of the IPC. The accused persons, in two motor-cycles, were allegedly chasing one Paulson, who was involved in some earlier incident with the accused persons. En route they picked up a quarrel with a cyclist. The victims in this case - two in number, father and son who have their house close to the place of occurrence hearing the commotion, had come to the place of the incident and evidently had raised objections against the objectionable and culpable conduct. Enraged by such conduct of the victims/the injured persons, the accused persons are alleged to have returned to the victims and unleashed a brutal attack on

them with dangerous weapons. Serious injuries were suffered by both the victims. The petitioners had come to this Court earlier with applications for anticipatory bail and by a common order dated 24/10/07 in B.A.Nos.6457 & 6475/07 those application were dismissed by this Court. Subsequently the petitioners surrendered before the learned Magistrate on 5/11/07. They continue in custody from that date.

2. I have adverted to the facts in detail in the order referred above. This order must be read in continuation of the said order. I am hence not adverting to the facts in any greater detail in this order.

3. The learned counsel for the petitioners submits that the petitioners may be granted regular bail now. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the alleged culpable conduct betrays great depravity of mind. For absolutely no provocation, except that the victims, on hearing the commotion, had come to the scene of the crime and had attempted to stop an incident which was going on there, the accused persons had returned to them and attacked them. The investigation is not complete. The learned Public Prosecutor opposes the application. I am satisfied, in the facts and circumstances of this case, that the

Investigator must be given a reasonable further time to complete the investigation. The petitioners are not entitled to be enlarged on bail at this early stage.

4. This petition is accordingly dismissed. I may hasten to observe that the petitioners shall be at liberty to move this Court for bail again at a later stage of the investigation not, at any rate, prior to 5/12/07. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT, JUDGE)

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